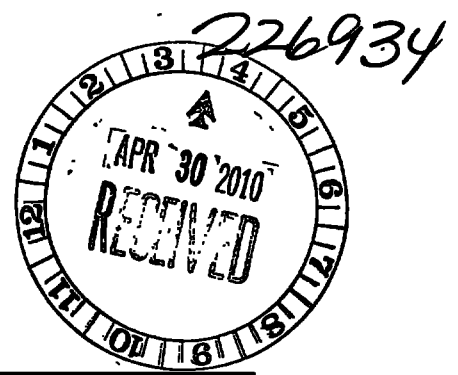


BEFORE THE
SURFACE TRANSPORTATION BOARD



STB DOCKET NO. AB-290 (Sub- No. 311X)

ENTERED
Office of Proceedings

APR 30 2010

Part of
Public Record

NORFOLK SOUTHERN RAILWAY COMPANY
PETITION FOR EXEMPTION
ABANDONMENT OF RAIL FREIGHT SERVICE OPERATION -
IN THE CITY OF BALTIMORE, MD AND BALTIMORE COUNTY, MARYLAND

MOTION TO SUPPLEMENT MOTION FOR PROTECTIVE ORDER

1. On March 24, 2010, I, Lois Lowe, filed a Motion for a Protective Order in order to provide the Surface Transportation Board' ("**Board**") with a copy of my driver's license, under seal, in order to 'identify' myself. This was necessary due to the Board's March 22, 2010 decision striking my January 5, 2010 Notice of Intent to Participate as a Party of Record. In that March 22, 2010 decision, the Board specifically ordered James Riffin not to file any additional information.

2. In a decision served on April 5, 2010, the Board granted me permission to participate as a party of record.

3. I am the Executive Secretary of the Cockeysville Rail Line Shippers Coalition. On February 22, 2006, in *Petition for Exemption - Norfolk Southern Railway Company - Cockeysville Line, Baltimore City and County, Maryland*, STB Docket No. AB 290 (Sub-No. 237X), I filed five letters from Cockeysville shippers, all of whom protested the abandonment of rail service on the Cockeysville Industrial Track ("**CIT**").

4. In November, 2009, I learned that Norfolk Southern was preparing to refile an abandonment petition for the CIT. Letters were obtained from Cockeysville shippers, which letters objected to the loss of freight rail service in Cockeysville. I planned to file these letters with the Board shortly after I filed my Notice of Intent to Participate. However, Norfolk Southern filed a Motion to Strike, arguing that my Notice of Intent to Participate was "from persons unidentified and unidentifiable." Consequently, I had to wait until after the Board granted me permission to participate as a party of record, before I could file the shipper's letters in my possession.

5. On April 5, 2010, the Board served a decision wherein it granted me permission to participate as a party of record. Unfortunately, in that same decision, the Board granted Norfolk Southern's abandonment and Offer of Financial Assistance exemption requests, thereby concluding the proceeding before I was given an opportunity to participate as a party of record.

6. I believe the Board violated my Fifth Amendment Due Process Rights and my 42 U.S.C. §1983 Civil Rights by not permitting me an opportunity to participate as a party of record. I believe this violation was particularly egregious, since there was no basis for striking my January 5, 2010 Notice of Intent to Participate as a Party of Record. Due to my previous participation in Norfolk Southern's 2005 attempt to abandon its operating rights on the CIT, I was a 'suitably identified' person, not only to the Board but also to Norfolk Southern and the Maryland Transit Administration.

7. I desire to participate fully as a party of record, including the opportunity to present evidence and testimony regarding the propriety of granting Norfolk Southern an exemption from the Offer of Financial Assistance procedures. To date, I have been unlawfully denied that opportunity. This violation of my Constitutional and Statutory rights may be ameliorated by permitting me to supplement my Motion for Protective Order, with the explicit understanding that the Board will actually 'consider'

these verified shipper's letters **prior** to ruling on Norfolk Southern's request for an exemption from the Offer of Financial Assistance procedures.

8. Since the Board has already rendered its decision, thereby closing the proceeding, the only way the Board can 'consider' the verified shipper's letters, is by reopening the proceeding.

9. James Riffin has filed a Petition to Reopen the proceeding. I concur and support his Petition to Reopen. I believe it was 'material error' (one of the grounds to justify reopening a proceeding) to deny me my right to participate fully in this proceeding, by striking my Notice of Intent to Participate as a Party of Record solely on the grounds that I was an "unidentified and unidentifiable" person, particularly in light of the fact that I had participated in the previous abandonment proceeding.

10. It should be noted that I intend to participate not only as the voice of the Cockeysville Rail Line Shippers Coalition, but also as a potential shipper and as an offeror to purchase Norfolk Southern's Operating Rights. By denying me an opportunity to participate meaningfully, the Board has abridged my Constitutional Fifth Amendment Right not to be deprived of property without due process of law (my property right to file an Offer of Financial Assistance to purchase Norfolk Southern's Operating Rights).

11. With the above in mind, I would ask that the Board grant Mr. Riffin's Petition to Reopen the proceeding, then permit me to supplement, under seal, my Motion for Protective Order with the appended verified letters from eight Cockeysville shippers, one of which is my own letter requesting rail service on the CIT.

12. I would also ask that the Board then reconsider its decision, in light of the eight verified shipper's letters. These eight verified letters would be considered 'material,' for the absence of these eight verified letters from the record was the sole basis for the Board's erroneous conclusion that there was no 'potential for continued rail service,' which was the primary

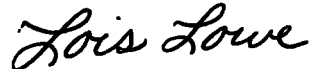
rationalization for granting Norfolk Southern's Exemption from the Offer of Financial Assistance procedures.

13. The November, 2009 shipper's letters were unverified. In light of the Board's April 5 decision, wherein the Board stated that unverified shipper's letters would not be afforded any weight, the shippers have reexecuted their letters, and have verified their letters.

14. I certify under the penalties of perjury that the above is true and correct to the best of my knowledge, information and belief.

Executed on April 30, 2010.

Respectfully,



Lois Lowe

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 2010, a copy of the foregoing Motion to Supplement Motion for Protective Order, was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, VA 23510-9241, Charles Spitulnik, Kaplan Kirsch, Ste 800, 1001 Connecticut Ave NW, Washington, DC 20036, and was hand delivered to Zandra Rudo, James Riffin and Carl Delmont and was served via e-mail upon Eric Strohmeier.



Lois Lowe

COCKEYSVILLE RAIL LINE SHIPPERS COALITION

50 Scott Adam Road Ste 200
Cockeysville, MD 21030

(443) 226-5077

April 28, 2010

Cynthia Brown, Chief Administrative Section
Surface Transportation Board
395 E St SW
Washington, DC 20423-0001

RE: STB Docket No. AB 290-311X
Petition for Exemption; Norfolk Southern Railway Company;
Cockeysville Line, Baltimore City and County, Maryland

Dear Ms. Brown:

I am submitting to the STB this Verified Letter requesting freight rail service, and seven verified letters from shippers who have a desire for freight rail service in Cockeysville, Maryland. These eight shippers are: Myself (Lois Lowe), Packard Fence, Seal Master, Buschemi Stone, European Landscape and Design, Lawn Doctor, Cockeysville Coal Company, and James Riffin. The actual letters I am submitting under seal, since the letters contain proprietary information. The authors of the letters object to the loss of rail freight service on the Cockeysville rail line, support Mr. James Riffin's offer to purchase the rail line from Norfolk Southern, and indicate that the prospective shippers would utilize the rail line to ship products via rail.

Since the Board did not give any weight to my last letter, or to the letters previously submitted by these shippers, due to the letters not being verified, I have verified this letter, and the other seven shippers have verified their letters. All eight shippers have identified the products they would ship via rail, and their estimate of the number of rail cars they would ship per year.

I verify under the penalties of perjury that the above is true and correct to the best of my knowledge and belief.

Sincerely,



Lois Lowe
Executive Secretary

COCKEYSVILLE RAIL LINE SHIPPERS COALITION

13 Beaver Run Lane
Cockeysville, MD 21030

(443) 226-5077

February 22, 2006

Vernon Williams, Secretary
Surface Transportation Board
1925 K Street NW 20423-0001

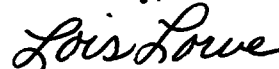
RE: STB Docket No. AB 290-237X
Petition for Exemption; Norfolk Southern Railway Company;
Cockeysville Line, Baltimore City and County, Maryland

Dear Secretary Williams:

Attached are five letters, along with ten copies of each letter, from prospective shippers whose businesses are located on or near the Cockeysville rail line, which rail line is the subject of Norfolk Southern Railway Company's Petition for Exemption, Abandonment of Freight Operating Rights and of Rail Freight Service. The authors of the letters object to the loss of rail freight service on the Cockeysville rail line, support Mr. James Riffin's offer to purchase the rail line from Norfolk Southern, and indicate that the prospective shippers would utilize the rail line to ship products via rail, providing shipment via rail was less expensive than shipment of their products via truck.

On February 3, 2006, two of the letters (Mark Downs, Packard Fence) were filed with the Board. Since neither of these two letters have appeared on the Board's web site for this case, copies of the letters previously filed with the Board, are being filed a second time.

Sincerely,



Lois Lowe
Executive Secretary